

E-Filed 2/3/16

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JULIAN RAMIREZ,  
Plaintiff,

v.

THE BANK OF NEW YORK MELLON, et  
al.,  
Defendants.

Case No. 16-cv-00415-HRL

**ORDER REFERRING CASE TO ADR  
UNIT FOR ASSESSMENT TELEPHONE  
CONFERENCE**

Plaintiff Julian Ramirez ("Plaintiff") sues Bank of New York Mellon, Bank of America, N.A., and The Wolf Firm ("Defendants") based on allegations of predatory lending and "dual tracking"—reviewing a completed loan modification application while also moving forward with an illegal foreclosure.

Early court-sponsored mediation may be appropriate in this case because Plaintiff alleges that Defendants have agreed to postpone the foreclosure of his home. The court therefore refers this foreclosure-related case to the Alternative Dispute Resolution (ADR) Unit for a telephone conference to assess this case's suitability for either mediation or a settlement conference. Plaintiff and Defendants' counsel shall participate in a telephone conference, which the ADR Unit shall schedule for no later than March 4, 2016.

Plaintiff and Defendant's counsel shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

The parties need not submit written materials to the ADR Unit for the telephone conference.

In preparation for the telephone conference, Plaintiff shall do the following:

(1) Review relevant loan documents and investigate the claims to determine whether they have merit.

(2) If Plaintiff is seeking a loan modification to resolve all or some of the claims, Plaintiff shall prepare a current, accurate financial statement and gather all of the information and documents customarily needed to support a loan modification request. Further, Plaintiff shall immediately notify defendants' counsel of the request for a loan modification.

(3) Provide counsel for Defendants with information necessary to evaluate the prospects for loan modification, in the form of a financial statement, worksheet or application customarily used by financial institutions.

In preparation for the telephone conference, counsel for Defendants shall do the following:

(1) If Defendants are unable or unwilling to do a loan modification after receiving notice of Plaintiff's request, counsel for Defendants shall promptly notify Plaintiff to that effect.

(2) Arrange for a representative of each defendant with full settlement authority to participate in the telephone conference.

The ADR Unit will notify the parties of the date and time that the telephone conference will be held. After the telephone conference, the ADR Unit will advise the court of its recommendation for further ADR proceedings.

**IT IS SO ORDERED.**

Dated: 2/3/16

  
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HOWARD R. LLOYD  
United States Magistrate Judge